

Application No. 10/578129

Responsive to the office action dated May 15, 2009

Amendments to the Drawings:

New Sheet 1 includes Fig. 1. New Figure 1 is supported by the original disclosure, for example, at page 26, line 20 to page 27, line 22 of the specification.

Application No. 10/578129

Responsive to the office action dated May 15, 2009

REMARKS

Reconsideration is respectfully requested in view of the above amendments and following remarks. The specification has been amended to address formal issues. A new drawing is submitted herewith to address formal issues. Claims 3-17, 19, 21, 22 and 24 have been amended. The amendments to claims 3, 4 and 11 are supported by previous claim 1 and the original disclosure, for example, at page 5, line 13 of the specification. The amendment to claim 9 is supported by the original disclosure, for example at page 8, lines 2-6 of the specification. The amendment to claim 10 is supported by the original disclosure, for example at page 8, lines 8-12 of the specification. The amendment to claim 21 is supported by the original disclosure, for example at page 27, lines 9-11 of the specification. The amendment to claim 22 is supported by the original disclosure, for example at page 26, line 20 to page 27, line 3 of the specification. Claims 5-8, 12-17, 19 and 24 have been amended editorially. Claims 1, 2, 11, 23, 27 and 29 have been canceled. Claims 30-35 are new. Claims 30-35 generally track claims 5-10, respectively, and are supported by the original disclosure, for example at page 5, lines 22-24, page 6, line 2 and lines 20-24, page 7, line 1 and page 8, lines 8-19. No new matter has been added. Claims 3-22, 24-26, 28, and 30-35 are pending.

Drawings

Applicants hereby present new Figure 1 to show the features of claim 24. In particular, Figure 1 shows the coating tool 10 having an oily ink 3, a backflow inhibiting material 5, an ink containment tube 1 and a pen tip 2. Withdrawal of the objection is respectfully requested. Applicants submit that this figure presents a general and easily recognized depiction of the type of devices discussed in the specification and is not new matter.

Claim rejections - 35 U.S.C. § 112

Claims 22, 23 and 29 are rejected under 35 USC 112, second paragraph, as being indefinite. Claim 22 has been amended editorially, taking the issues noted in the rejection into account. Claims 23 and 29 have been canceled. Withdrawal of the rejection is respectfully requested.

Application No. 10/578129

Responsive to the office action dated May 15, 2009

Claim rejections - 35 U.S.C. § 102

Claims 23 and 29 are rejected as being anticipated by Omatsu et al. (US patent 6,406,204). The rejection is rendered moot as claims 23 and 29 have been canceled. Applicants do not concede the correctness of the rejection.

Claims 1, 2, 5, 6, 8, 16 and 27 are rejected as being anticipated by JP 2003-34099. Claims 1 and 2 have been canceled. The features of claims 1 and 2 have been incorporated into allowable claim 3, which is rewritten in independent form. Claims 5, 6, and 8 depend from claim 3. Claim 11 includes the features of claims 1 and 9. Claim 16 depends from claim 11, which is considered allowable. Claim 27 has been canceled. Therefore, the rejection is rendered moot. Claims 3, 4 and 11 define the backflow inhibiting material with the term comprising instead of consisting of as in original claim 1. This is consistent with the format of claim 22. Applicants submit that this point is not relevant to the indication of allowability for the features recited in claims 3, 4 and 11. Applicants do not concede the correctness of the rejection.

Claims 23 and 29 are rejected as being anticipated by JP 2003-145985. The rejection is rendered moot, as claims 23 and 29 have been canceled. Applicants do not concede the correctness of the rejection.

Claim rejections - 35 U.S.C. § 103

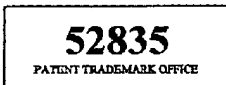
Claims 7, 9, 10, 17-21 and 24-26 are rejected as being unpatentable over JP 2003-34099. Claims 7, 9, 10, and 24 depend from claim 3, which is considered allowable. Claims 17-21 and 25-26 depend from claim 11, which is considered allowable. Therefore, the rejection is rendered moot. Applicants do not concede the correctness of the rejection.

Claims 30-35 depend from claim 4. Claim 4 is rewritten in independent form and includes the features of claims 1 and 2, and is considered allowable. Therefore, claims 30-35 are allowable.

Application No. 10/578129

Responsive to the office action dated May 15, 2009

In view of the above, favorable reconsideration in the form of a notice of allowance is requested. Any questions or concerns regarding this communication can be directed to the attorney-of-record, Douglas P. Mueller, Reg. No. 30,300, at (612) 455.3804.



Dated: September 15, 2009

Respectfully submitted,

HAMRE, SCHUMANN, MUELLER &
LARSON, P.C.
P.O. Box 2902
Minneapolis, MN 55402-0902
(612) 455-3800

By: 

Douglas P. Mueller
Reg. No. 30,300
DPM/ym/jls